

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JOHN PAUL DUNN

PLAINTIFF

v.

Case No. 6:16-cv-06006

OFFICER ROY BETHEL, OFFICER
AARON COLLIER, SHERIFF JASON WATSON,
AGENT BLAKE FORGA, BRENT WHITWORTH,
JAILER RANDY WYNDHAM, LARRY CAIN,
JAMES MAYUE/MAYHUE, JAILER FOLEY,
JAILER NATE MORRISON, OFFICER
MATT AVANT

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on July 18, 2018, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 59. This is an action brought pursuant to 42 U.S.C. § 1983. On November 29, 2017, Separate Defendants Bethel, Collier, and Avant filed a Motion to Dismiss Plaintiff's claims of unlawful imprisonment and false arrest against them. ECF No. 37. Judge Bryant recommends that Separate Defendants' Motion to Dismiss should be granted, and Plaintiff's unlawful arrest and false imprisonment claims against certain defendants should be dismissed because those claims are barred by the *Heck* doctrine.¹ *See Heck v. Humphrey*, 512 U.S. 477 (1994).

No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*. The Motion to Dismiss filed by Separate Defendants Bethel, Collier, and Avant (ECF No. 37) should be and hereby is **GRANTED**. Accordingly, Plaintiff's unlawful

¹ Although the Motion to Dismiss was filed by Separate Defendants Bethel, Collier, and Avant, Judge Bryant concludes that the unlawful arrest and false imprisonment claims against Separate Defendants Watson, Forga, Morrison, Cain, and Whitworth should also be dismissed given the nature of the claims.

arrest and false imprisonment claims against Defendants Collier, Bethel, Watson, Forga, Avant, Morrison, Cain and Whitworth are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 7th day of August, 2018.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge